



Application Number:	2024/0295	Application Type:	Outline
Proposal:	Outline application for the erection of up to 40 dwellings, with all matters reserved except access.	Location:	Land At Former Waterbarn Recreation Ground Brandwood Road Stacksteads
Report of:	Head of Planning	Status:	For Publication
Report to:	Development Control Committee	Date:	18.11.2025
Applicant:	Mr Daniel Taylor	Determination Expiry Date:	11.07.2025 (extension of time agreed until 21.11.2025)
Agent:	Sheila Wright		

Contact Officer:	Storm Grimshaw	
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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	Major
Member Call-In	
Name of Member:	No
Reason for Call-In:	
3 or more objections received	Yes
Other (please state):	

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION

Refuse.

APPLICATION DETAILS

2. SITE

The application site is some 1ha in extent and is predominantly greenfield land last used as a recreation ground/playing pitch. The application site also includes a narrow strip of land projecting from the main

body of the site, located between nos. 26/30 and 32 Brandwood Road. This part of the site is an area of hardstanding and soft landscaping in front of the gables of the above properties, with some of the land outside of the applicant's ownership (as shown on the Location Plan).

The application form records that use of the recreation ground ended 1 January 2011, and it is understood that the land was previously used by Stacksteads Cricket Club. Residents have also claimed that the land has been used for sporting purposes and recreational use beyond this date. The site is located within the urban boundary and the main body of the site is designated as a recreation area in the Council's adopted Local Plan known as Waterbarn Recreation Ground. The recreation ground is an area of grassland within the designated Green Infrastructure Network of the Local Plan.

The recreation area is overgrown grassland, and appears to be informally used by the public as desire lines run through the site. At the time of the case officer's site visit the site was easily accessible (despite attempts to enclose the site) from the Irwell Sculpture Trail / Valley of Stone cycle route which runs west to east directly below the site. A couple of disused cabins are also present on the site.

Residential properties along Brandwood Road border the site to the north, while the east is bordered by the grounds of Waterbarn Baptist Chapel and separate residential properties. The former chapel is a Grade II listed building in a dilapidated and ruinous condition. Bordering the site to the west is a belt of trees along the riverbank of the River Irwell which runs along the western border. Beyond the river is a large employment site which extends to Brandwood Road and to the east. The land to the south comprises a dense belt of mature trees in an area of countryside. None of the trees within or near to the site are protected by Tree Preservation Orders.

The Environment Agency's (EA) flood modelling places the site in Flood Zone 1, but the EA have confirmed as part of their consultation response on this application that this classification is inaccurate. The EA have confirmed that the application site has flooded on 4 occasions since 2012, and the entire site is classified as an area at risk of flooding from climate change. Large parts of the site are at risk of flooding from surface water, with significant areas at high risk.

The site and wider area forms part of the Stacksteads Gorge – an area recognised in the Local Plan as a Local Geodiversity Site.

3. RELEVANT PLANNING HISTORY

The application site itself has no planning history.

The Former Waterbarn Baptist Church, which sits adjacent to the application site and is also owned by the applicant, has the following planning history:

2022/0561 – Listed Building Consent: Erection of safety fencing to the boundary. (<u>Approved 26.04.2023</u>).

2022/0560 - Full: Erection of safety fencing to the boundary. (Approved 26.04.2023).

2014/0392 – Listed Building Consent: Demolition of extension at rear and full restoration of former church. (Application withdrawn).

4. PROPOSAL

Outline planning permission (including access only) is sought for the erection of up to 40no. dwellings on the site. All other matters (including appearance, landscaping, layout and scale) are reserved.

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The proposed access to the development would be taken off Brandwood Road, in between nos. 26/30 and 32 Brandwood Road. A single point of vehicular access is proposed for the development.

An indicative site layout has been submitted as part of the application, but this is for illustrative purposes only, and does not form part of the scheme for which approval is sought.

The illustrative site layout shows a primary internal estate road in a U-shape, taken from the proposed access off Brandwood Road. A potential pedestrian footpath link to the cycleway/footpath to the south of the site has also been shown. Communal amenity space has been shown along the northern perimeter of the site, adjacent to the rear gardens of Brandwood Road, as well as an area of parking for residents of the development and the apartments on Brandwood Road. A further area of communal amenity space is also shown towards the southeast corner of the site. As this is an outline application only, full details of the specifics of the public open space provision etc. have not been provided at this stage as they would form part of a later reserved matters planning application. As would the scale and appearance of the proposed house types.

5. POLICY CONTEXT

National Planning Policy Framework

- 2 Achieving Sustainable Development
- 4 Decision Making
- 5 Delivering a Sufficient Supply of Homes
- 8 Promoting Healthy and Safe Communities
- 9 Promoting Sustainable Transport
- 11 Making Effective Use of Land
- 12 Achieving Well Designed Places
- 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change
- 15 Conserving and Enhancing the Natural Environment
- 16 Conserving and Enhancing the Historic Environment

Development Plan Policies

Rossendale Local Plan

SS: Spatial Strategy

SD1: Presumption in Favour of Sustainable Development

SD2: Urban Boundary and Green Belt

SD3: Planning Obligations

HS1: Meeting Rossendale's Housing Requirement

HS3: Affordable Housing

HS4: Housing Density

HS5: Housing Standards

HS6: Open Space Requirements in New Housing Developments

HS7: Playing Pitch Requirements in New Housing Developments

HS8: Private Outdoor amenity space

ENV1: High Quality Development in the Borough

ENV2: Historic Environment

ENV3: Landscape Character and Quality

ENV4: Biodiversity, Geodiversity and Ecological Networks

ENV5: Green Infrastructure Networks ENV6: Environmental Protection

ENV9: Surface Water Run-Off, Flood Risk, Sustainable Drainage and Water Quality

ENV10: Trees and Hedgerows

LT1: Protection of Playing Pitches, Existing Open Space, Sport and Recreation Facilities

TR4: Parking

Other Material Considerations

National Planning Practice Guidance Alterations and Extensions to Residential Properties SPD Open Space and Play Equipment Contributions SPD Climate Change SPD Planning (Listed Buildings and Conservation Areas) Act 1990

6. CONSULTATION RESPONSES

Consultee	Response	Conditions Recommended
Cadent Gas	No objection, informative note required.	No
Ecology (Greater Manchester Ecology Unit)	Objection. Further information required prior to determination.	No
Environmental Protection (RBC Contaminated Land Officer)	No objection, subject to conditions. Informatives recommended.	Yes
Environment Agency	Objection.	No
Forest of Rossendale Bridleway Association	No comments received.	No
Growth Lancashire (RBC Conservation Officer)	Objection – harm identified to the Grade II listed building.	No
Historic England	Advised they have no comments to make on the application.	No
Lancashire Badger Group	No comments received.	No
Lancashire County Council Sustainable Travel Team	No comments received.	No
Lancashire County Council Development Management Group Lancashire	No comments received.	No
Lancasiile	Objection.	No

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County Council Local Highway Authority		
Lancashire County Council Historic Environment Team	No objection.	No
Lancashire County Council Lead Local Flood Authority	No objection, subject to conditions.	Yes
Lancashire County Council Minerals & Waste	No comments received.	No
Lancashire County Council Rights of Way	No comments received.	No
Lancashire County Council Schools Planning Team	No comments received.	No
Lancashire Fire & Rescue	No objection. Recommendations made for any subsequent Building Regulations application.	No
Lancashire Police	No objection. Recommendations made in regard to Secured by Design security standards.	No
Rossendale Borough Council Environmental Health Team	Advised they have no comments to make on this application.	No
Rossendale Borough Council Forward Planning Team	No comments received.	No
Rossendale Borough Council Operations Teams	No comments received.	No
Rossendale Borough Council Strategic Housing Team	No comments received.	No
Rossendale Civic Trust	No comments received.	No
Rossendale Cycleways	No comments received.	No
Sport England	Objection.	No
The Coal Authority	No objection. Request the Coal Authority's Standing Advice note is drawn to applicant's attention, where	No
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	relevant.	
Together	No comments received.	
Housing		
Tree Officer	Objection. Further information	No
(Ecus on behalf	required prior to determination.	
of Growth		
Lancashire)		
United Utilities	No objection, subject to condition.	Yes
	Informatives recommended.	
Valley Heritage	Objection.	No

7. REPRESENTATIONS

To accord with the General Development Procedure Order, site notices were posted and neighbour letters were sent out. A notice was also published in the Rossendale Free Press.

10 letters of objection and 1 representation have been received in response to the planning application, raising the following issues in summary:

- Inadequate access to the site and at the junction of Brandwood Newchurch Road.
- Increase in traffic.
- Increased risk to highway safety.
- Loss of resident parking.
- Brandwood Road has a weight restriction for vehicles and is unsuitable for HGVs.
- Site is unsuitable for development given it floods regularly and the development would only increase the risk of flooding.
- Development will have an adverse impact on health and wellbeing of local residents.
- Site is used for recreational purposes by residents.
- Development of the site for residential use would prevent any formal leisure/recreation use in the future.
- The nearby church and graveyard should be prioritised for redevelopment before building on this greenfield site is considered.
- Inaccurate information submitted in support of the application.
- Loss of trees.
- Conflict with the adopted Local Plan.
- Development will result in the loss of a recreation area / playing pitch which would not be replaced by equivalent or better provision in the area.
- Discrepancies between the application site and land ownership details.

8. ASSESSMENT

The main considerations of this application are:

Principle

Paragraph 11 of the Framework contains a presumption in favour of sustainable development. It states that development proposals that accord with the development plan should be approved without delay and that where relevant development plan policies are out-of-date, planning permission should be granted unless:

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- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- specific policies in the Framework indicate that development should be restricted

The site is in a relatively sustainable location within the urban boundary, adjacent to the existing built form of development and is within walking distance of facilities and services along Newchurch Road. There is a public house, employment opportunities and other small shops within walking distance.

The Council cannot currently demonstrate the necessary level of housing delivery within the Borough, and therefore the weight to be afforded to the Council's Local Plan policies importance in the determination of any planning application is a matter for the decision maker. The need for an assessment / balancing exercise under paragraph 11(d) of the Framework is therefore triggered at the time of writing.

Specifically, this states that:

For decision-taking this means:

- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The remainder of this report will consider whether the proposed development is likely to result in adverse impacts which outweigh any benefits and will ultimately draw a conclusion on the overall acceptability of the proposed development. Regard shall also be had to the fact that this is an outline application, and certain detailed matters would not normally be assessed at this stage.

Loss of Recreation Area / Playing Pitch

Most of the site is allocated in the Local Plan as a recreation area, and the last use of the land allocated as a recreation area was a playing pitch/recreation facility in the form of a grass cricket pitch.

Paragraph 103 of the Framework states:

"Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change... Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate."

Paragraph 104 of the Framework states:

"Existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, should not be built on unless:

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- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Policy LT1 of the Local Plan seeks to protect playing pitches, existing open space, sport and recreation facilities. The policy states:

"Development proposals which would result in the loss of playing pitches and associated facilities, and land or buildings in recreational or sporting use or last used as such, or which would prejudice the use of these areas for sport and recreation, will be resisted and only be permitted where:

- A replacement of the same type, of an equal or greater quantity and quality is provided in an appropriate location; or
- It is demonstrated to the Council's satisfaction that there is a surplus of recreational land, buildings or facilities of the same type relative to the current and likely future needs of the local community. All development affecting playing pitches and associated facilities will be considered against the most up to date version of the Playing Pitch Strategy; or
- The development involves the loss of a small part of a larger site in recreational use and would result in the enhancement of recreational facilities on the remainder of the site, or on a nearby site serving the same community and a net gain in sports provision can be demonstrated; or
- In the case of school playing fields or sports facilities, the development is for education
 purposes or the Department for Education is satisfied that the land is no longer required for
 school use, and its loss would not result in a shortfall in recreational open space/playing
 pitches/sports facilities for the local community now or in the future."

The applicant's Planning Statement recognises that the site was last in use as a recreation ground for recreational or sporting purposes, and therefore the development needs to be considered against the requirements of Policy LT1 (the Planning Statement is silent on the requirements of the Framework set out above). The applicant's Planning Statement comments:

"The site was formerly a recreation ground but has not been used for this purpose since 2011. Nevertheless it falls to be considered against Policy LT1 which requires, for sites last in use for recreational or sporting purposes, it to be demonstrated to the Council's satisfaction that there is a surplus of recreational land, buildings or facilities of the same type relative to the current and likely future needs of the local community.

In this case that evidence is provided by the Council's latest Playing Pitch Strategy Assessment Report (adopted 2022) which categorises the site as a 'lapsed' site and the associated Playing Pitch Strategy and Outdoor Sport Action Plan (also adopted 2022) which concludes there is sufficient capacity to accommodate existing demand for cricket provision and, for junior cricket, it is clear that there is sufficient capacity both now and, in the future, to accommodate demand.

The proposed development therefore fully meets the requirements of Policy LT1."

The Council recently appointed Knight, Kavanagh & Page Ltd to update the Council's 2020 Playing Pitch Strategy (PPS), and it was agreed with Sport England that a Stage E update would be acceptable for an interim update position. The Council has recently engaged in Stage E of the

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needs assessment process and Sport England consider the Council has an up to date Playing Pitch Strategy (PPS) (March 2025) which acts as the evidence base for decision making related to playing fields. This assessment includes sports specific recommendations which for cricket, states the following:

- Protect existing quantity of cricket squares.
- Improve quality at sites assessed as standard quality and ensure quality is sustained at sites assessed as good through partnership working with LCF.
- Ensure New Hall Hey Cricket Ground has an extensive usage programme and provides opportunities for peak time cricket to be played by local clubs if they are to need a secondary ground in future years.
- Install additional NTPs and/or hybrid wickets to accompany grass wicket squares (where space allows) at sites with capacity challenges.
- Improve the changing and ancillary facilities where there is a need to do so.
- Consider options to increase and improve stock of suitable practice facilities.
- Continue to support ECB initiatives such as All Stars and Dynamos and ensure unaffiliated demand and recreational cricket is provided for.
- Work to increase women and girls' participation in line with the Inspiring Generations
- ECB Strategy and protect existing provision so that women and girls have a suitable place to practise and play.

Whilst there are no current shortfalls for cricket, the above clearly indicates that current provision should be protected so that they can facilitate the accommodation for future growth in the sport particularly for young people; women and girls for both play and practice.

With specific reference to this site the 2025 Stage E PPS states the following:

"The site should be protected from development or replacement (unless adequately re-provided elsewhere in accordance with Sport England's Playing Fields Policy Exception E4), as there is potential need for playing field land to accommodate more pitches to meet the identified shortfalls."

A copy of the 2025 Stage E PPS was provided to the planning agent acting on behalf of the applicant on 30 July 2025, but no response with reference to the requirements of paragraph 104 of the Framework and Policy LT1 of the Local Plan has been received.

With reference to the most up to date assessment available, it has not been demonstrated to the Council's satisfaction that the land allocated as a recreation area within the boundaries of the application site is surplus to requirements.

If it cannot be demonstrated that the land is surplus to requirements, both paragraph 104 of the Framework and Policy LT1 of the Local Plan permit the loss of a playing pitch/recreation area subject to the loss being replaced by equivalent or better provision in terms of quantity and quality in a suitable location. The applicant has not proposed to replace the loss of the playing pitch in another location.

Sport England have objected to the planning application on the basis of loss of the natural turf playing field for which there is no replacement proposed and it has not been demonstrated that the proposal complies with their Playing Field Policy or paragraph 104 of the NPPF. Sport England have outlined in their comments a potential resolution on how the applicant could address their objection, but no response from the planning agent has been received.

In summary, the proposed development would result in the loss of land last used for a recreation and sporting use, and is designated in the Local Plan as a recreation area. The most up to date

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assessment undertaken by the Council demonstrates that the land should be protected from development as there is a potential need for playing field land to accommodate more pitches to meet identified shortfalls, and the proposed loss of the playing field would not be replaced by equivalent or better provision in terms of quantity and quality in a suitable location as part of the development. Therefore, the proposed development has failed to demonstrate compliance with Section 8 of the Framework and Policy LT1 of the Local Plan.

Visual Amenity

Approval of matters relating to the appearance, layout, scale and landscaping of the development is not sought at this stage, and these would be expected as part of a detailed Reserved Matters application. However, it is nonetheless important to ascertain at this stage whether the development can be delivered (in some form) without having a significant adverse impact on the character and appearance of the site.

Paragraph 135 of the Framework states that planning decisions should ensure that developments:

"Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

Strategic Policy ENV1 of the Local Plan aims to deliver high quality development in the Borough and sets out the main design considerations which need to be taken into account for all proposals for new development.

Most of the site is designated as a recreation area, and whilst the recreation ground is privately owned and enclosed by boundary fencing, the site is an open and natural feature which provides a sense of openness to the local area, particularly for residents of Brandwood Road along the northern border. The proposal to develop up to 40 dwellings on the site would permanently erode the open and natural setting the site provides, having an adverse impact on the visual amenity of the area.

Whilst it is acknowledged that the illustrative site layout is indicative, it nevertheless provides an indication of the type of development the applicant would seek to deliver and highlights the constraints impacting the potential developable area of the site. In this context it is considered unlikely that the site would be able to accommodate 40 dwellings within the boundaries of the site without having a significantly adverse visual impact for the following reasons:

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- The indicative site layout shows the majority of residential plots would be visually dominated by car parking and hardstanding or require areas of parking beyond their curtilage. Parking should be sensitively integrated into the development and the indicative site layout suggests this cannot be accommodated.
- The Local Highway Authority have concluded that the internal layout shown on the indicative site layout is not suitable for adoption, with other concerns raised in terms of the proposed parking provision and internal paths.
- The Council's Heritage Consultants have recommended a generous buffer zone including planting/trees etc. should be introduced between the western boundary of the site and the Church to mitigate the harm to the setting of the Grade II listed building nearby.
- The applicant has failed to demonstrate the development's potential impact on trees within and near to the site which may further impact the amount of land appropriate for built development.
- Any potential residential development would need to give due consideration to the potential flood risk and the impact this would have on the amount of land suitable for development.

Overall, it is not considered that the application site could accommodate 40 dwellings within the boundaries of the site alongside any required infrastructure, public open space and soft landscaping, buffer zones and parking provision without resulting in a cramped and visually unattractive form of development.

Heritage Impact

The Council's Heritage Consultants, Growth Lancashire, have been consulted on the application and their comments are repeated below:

"The key heritage issue for the LPA to consider is:

1. Whether the proposal preserves the special interest of the listed building through development in its setting.

The application is an outline application for the erection of up to 40 dwellings, with all matters reserved except access. Access is proposed to be from Brandwood Road via an existing gap between two rows of terraced houses. The application includes an indicative layout plan for the proposed dwellings.

The Planning Statement notes that the land was originally owned by a local family in the 19th century which then passed ownership to the Baptist Church, who leased it to the Stacksteads Cricket Club. The land was then sold to a private individual in 2006.

The Planning Statement further notes that the development will provide a range of sizes, styles and types of residential accommodation, with a mix of detached, semidetached and short terraces and apartments. It notes that the site could include one, two and three storey dwellings. The Design and Access Statement notes that the design of the dwellings will take account of local characteristics in building form and materials such as stone and slate or modern equivalents.

In relation to setting, Historic England's advice is contained in its Planning Note 3 (second edition) entitled The Setting of Heritage Assets. This describes the setting as being the surroundings in which a heritage asset is experienced and explains that this may be more extensive than its immediate curtilage and need not be confined to areas, which have public access. Whilst setting is often expressed by reference to visual considerations, it is also influenced by the historic relationships between buildings and places and how views allow the significance of the asset to be appreciated.

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Whilst the application site is noted as once being in the ownership of the Baptist Chapel, it has no substantial historic connection to the site and does not form part of the immediate Church grounds which are defined by a stone boundary wall, so its contribution to significance is limited. The Church grounds includes a grassedarea and a graveyard which contribute to the overall significance of the Church as there is a clear functional, historic and visual connection between the two.

Any proposed scheme on the site will be highly visible from within the immediate setting of the Church, due to the site being immediately adjacent and having a low boundary wall and there being a lack of intervening development and buffering between the sites. As such, any proposed scheme will have an impact on the setting of the Church.

As this is an outline application, limited information has been provided regarding the design and layout of the proposed dwellings. However, an indicative site layout has been submitted. The layout shows that the rear gardens of the dwellings to the west of the site will immediately abut against the boundary wall of the Church resulting in direct views from the Church grounds to the new development.

Due to the limited historical association between the Church and the site, I do not object 'in principle' to the proposed development of the site. However, I feel that if the indicative site layout was to be adopted, the proposed scheme would cause some low level harm to the setting of the listed building. This is due to the proximity of the proposed development along the western boundary of the site, and views of the church from its immediate setting will be negatively impacted by the close proximity of the dwellings as they will be seen in views towards the chapel. The proposal would also impact on views from the north of the site facing southwest, where clear, uninterrupted views of the east elevation are currently experienced. The housing would appear as an obvious visual intrusion in its setting.

In order for this harm to be mitigated, a generous buffer zone including planting/trees etc. should be introduced between the western boundary of the site and the Church. Consideration should be given to creation of view corridors through the site towards the asset. The scale and design of the buildings will need to be considered, as this may also impact on the setting of the listed building. However the harm would not be removed entirely as the proposals would still impede on views towards the asset.

As noted above, whilst I do not object to the principle of the development, the existing indicative layout will result in low level of less than substantial harm if it were to be adopted. In order for the scheme to be fully assessed further information will need to be provided.

Conclusion / recommendation

As I am required to do so, I have given S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 considerable weight in my comments.

For the reasons identified above, the proposal would cause a low level of less than substantial harm to the Grade II listed Waterbarn Chapel, and fails to preserve the special interest of the listed building. Any harm requires clear and convincing justification (P213), and great weight should be given to the assets conservation (P212). Harm should be weighed against the public benefits provided by the scheme (P215). If a positive balance cannot be achieved then the proposal would be contrary to local policy ENV2, and Chapter 16 of the NPPF."

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The balancing exercise required under paragraph 215 of the Framework has been carried out in the relevant section below.

Neighbour / Residential Amenity

Whilst no details on the appearance, landscaping, layout and scale need to be provided at this stage, the constraints limiting the potential area suitable for residential development (listed in the visual amenity section above) do raise significant concerns over the potential to deliver a scheme of up to 40 dwellings on the site that would ensure no unacceptable harm to the amenity of existing residents living nearby and future occupants of the development.

The indicative site layout proposed would raise concerns in regards to the separation distances between proposed dwellings, although it is acknowledged that there may be scope to mitigate any potential harm by consideration of appropriate building heights, position of openings etc. That said, the constraints and technical considerations impacting the potential developable area of the site would severely limit the potential to mitigate such harm.

Based on the information submitted and the comments from technical consultees it is considered unlikely that a development of up to 40 dwellings on the site could be delivered on the site without having an adverse impact on the amenity of existing and future residents.

Access, Parking and Highway Safety

The Local Highway Authority have raised an objection to the proposed development and have recommended that the application is refused. In summary the Highway Authority is concerned that the narrow section of Brandwood Road and the junction shared with Newchurch Road is currently ill-equipped to safely accommodate the increased traffic and pedestrian activity the proposed development would generate. The limited width of the narrow section of Brandwood Road is around 4m, and the Highway Authority have recommended that a road width of 5.5m is provided as any width below this figure could result in conflict between vehicles and other users of the highway. It's unclear how the narrow section of Brandwood Road could be widened to address such concerns considering the land either side is outside of the applicant's control and includes built development. Similar concerns have been raised in respect of the proposed access between nos. 26/30 and 32 Brandwood Road as the land between the buildings is not fully in the applicant's control, meaning there is no certainty that an acceptable and adoptable access could be provided. The Highway Authority has advised that the lack of a suitable highway mitigation strategy exacerbates the issues identified, resulting in all highway users especially pedestrians and cyclists exposed to a higher level of risk.

With reference to the full comments provided by the Local Highway Authority, it is considered that the proposed development would have a severe impact on highway safety, capacity and amenity within the immediate vicinity of the site, and the scheme is therefore contrary to Section 9 of the National Planning Policy Framework.

In addition to the above the Highway Authority have raised a number of concerns in regards to the illustrative layout of the proposed scheme, advising that the internal layout would not be acceptable nor suitable for adoption. Whilst the proposed layout is only illustrative, the comments from the Highway Authority on the internal layout, lend weight to the view that the site cannot accommodate the proposed number of dwellings without having an adverse impact on the character and appearance of the local area.

Planning Contributions and Affordable Housing

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In accordance with the requirements of Policies SD3 and HS3 of the Local Plan, and the Open Space and Play Equipment Contributions SPD, the applicant would need to provide the following contributions:

- 30% affordable housing provision on site (12 dwellings)
- Contribution for indoor and built sport facilities such as swimming pools for which a significant shortfall exists in the Borough. Sport England's Sports Facility Calculator, as at March 2025, calculates the cost of £20,867 to meet this additional demand for 40 dwellings (or £521 per dwelling).
- A financial contribution of up to £18,400 will be sought to accommodate the increase demand for open space locally and to reduce the exacerbation of existing shortfalls.
- A financial contribution of £32,884 for the increase in demand placed on existing playing pitches.
- Potential contributions from the highway authority to mitigate the impact of the development. Need to address harm identified in order to understand potential contributions.
- Current Rossendale Borough Council S.106 monitoring and recording fees.
- Management and maintenance of on-site landscaping, public open space and communal areas
- Any other reasonable and necessary contributions required until the date any Section 106
 Agreement is signed, including any potential contribution requested by the Local Highway
 Authority, Education Authority etc.

It is considered that the above contributions are necessary to make the development acceptable (in accordance with Policies SD3 and HS3), however no indication from the planning agent that the applicant is prepared to meet the required contributions to make the development acceptable has been provided, and the indicative site layout suggests only 6 dwellings would be allocated as affordable units. Therefore, the development would fail to make the necessary planning contributions to mitigate the impact of the development, in relation to affordable housing, indoor and built sports facilities, public open space, playing pitch provision, and any other reasonable and necessary contributions which may be requested by technical consultees if the development was recommended for approval. As such, the development conflicts with Policy SD3 of the Local Plan and Section 4 of the National Planning Policy Framework.

Separately, in relation to Policy HS5 of the Local Plan, the development would need to ensure that at least 20% of any new dwellings provided on site are specifically tailored to meet the needs of elderly or disabled residents, or are easily adaptable in line with the Optional Standards M4(2) of the Building Regulations. This could be secured by a planning condition.

Ecology / Biodiversity Net Gain

A Preliminary Ecological Appraisal and Preliminary Roost Assessment has been submitted in support of the application which is now almost 3 years old. The Council's Ecologist requested an updated Preliminary Ecological Appraisal following a site visit by a professional ecologist but no further appraisal has been submitted.

The Preliminary Ecological Appraisal is not based on the Location Plan accompanying the application – instead the site identified in Appendix 1 of the Appraisal includes Waterbarn Chapel and its associated grounds. Based on this site area, the applicant's Ecologist has recommended at least two bat emergence surveys and a phase 2 botanical assessment of the churchyard grassland to ascertain its potential status. It is not considered the surveys/assessment are necessary given the land falls outside of the application site, however the Council has requested the updated Preliminary Ecological Appraisal is based on the correct site area.

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In the absence of an updated Preliminary Ecological Appraisal, it has not been demonstrated that the development would avoid unacceptable harm to biodiversity and protected species. As such the development fails to accord with Section 15 of the Framework and Policies ENV1 and ENV4 of the Local Plan.

A Biodiversity Net Gain Report and Metric accompanies the application, and the baseline habitat value of the site is 9.97 units, while the baseline hedgerow value of the site is 0.17 units. The Report's recommendations to deliver BNG simply states:

"The current proposed plans look to indicate the loss of areas of other neutral grassland, mixed scrub and ruderal/ephemeral habitat. It is not yet clear the impact on the areas of lowland acid grassland. It is recommended that areas of neutral grassland are retained along with areas of scrub and hedgerow planting is undertaken on the site in order for the project to achieve net gain."

The Council has been provided with insufficient information to consider how the objective of at least 10% biodiversity gain is expected to be achieved for the development. Nevertheless, it is considered that the applicant is likely to be able meet the required biodiversity net gain through both on-site mitigation and enhancement and by purchasing biodiversity units from other landowners or statutory credits.

Green Infrastructure

Other than the land between nos. 26/30 and 32, the site lies within an area of identified Green Infrastructure comprising part of the Grassland Network.

Policy ENV5 of the Local Plan states:

"Development proposals will be expected to support the protection, management, enhancement and connection of the green infrastructure network, as identified on the Policies Map. Proposals which enhance the integrity and connectivity of the green infrastructure network will be supported. Development proposals should seek first to avoid or, if not feasible, mitigate biodiversity impacts on-site. Schemes which would result in a net loss of green infrastructure on-site will only be permitted if:

- The function and connectivity of green infrastructure networks are retained or replaced; or
- The development scheme integrates new or enhanced green infrastructure where appropriate, such as natural greenspace and trees; and in all cases
- The proposal would not have an unacceptable impact on amenity, surface water or nature conservation.

Where practicable and appropriate, new green infrastructure assets incorporated into development proposals should be designed and located to integrate into the existing green Infrastructure network and should maximise the range of green infrastructure functions and benefits achieved."

It is clear that the development of up to 40 dwellings on the site would result in a net loss of green infrastructure on-site, and no indication of how the development would accord with Policy ENV5 has been provided by the planning agent. It may be possible to integrate new green infrastructure within any future scheme, possibly within the buffer positioned between the listed building and any residential development, but the requirement of Policy ENV5 alongside other considerations previously outlined would be difficult to achieve, and no indicative layout demonstrating potential compliance with Policy ENV5 has been provided. Therefore it has not been demonstrated how the

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development would suitably compensate for the net loss of green infrastructure on-site in accordance with Policy ENV5 of the Local Plan.

Trees

The application form records that no trees or hedges are present on the proposed development site, and no trees or hedges on land adjacent to the proposed development site could influence the development. However, following a visit to the application site, it is clear that there are trees on the site that would be impacted by the development (the only possible vehicular access to the site would require tree removals) and there are trees on and near the site that could be impacted by any residential development of the site.

The Case Officer has requested a Tree Survey / Arboricultural Impact Assessment (AIA) is carried out to establish the potential impact of the development on trees but no documentation has been submitted in support.

In the absence of a Tree Survey / AIA, the development's potential impact on trees within and near to the site has not been established, and therefore it has not been possible to determine the required level of compensatory planting to accord with policy ENV10 of the Local Plan.

Drainage and Flood Risk

In the absence of an acceptable Flood Risk Assessment (FRA), the Environment Agency (EA) has raised an objection to the application. According to the EA the FRA does not adequately assess the flood risks posed by the development and fails to:

- Consider how people will be kept safe from the identified flood hazards.
- Consider how a range of flooding events (including extreme events) will affect people and property.
- Consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event
- Take the impacts of climate change into account:
 - Different climate change allowances have been used to assess future flood risk than those advised in 'Flood risk assessments: climate change allowances', without adequate justification. The "Higher" and "Upper" allowance should be used based on the 100-year design life and epoch.
- Flood risk mitigation measures to address flood risk for the lifetime of the development included in the design are inadequate because they would not make the development resilient to estimated flood levels. Consequently, the development proposes inadequate:
 - Flood storage compensation for the 1 in 100 year plus 46% climate change event. The proposed development would impede flood flow and reduce storage capacity thereby increasing the risk of flooding elsewhere, specifically to residents along Brandwood Road and Rakehead Lane.
 - Raised finished floor levels for the 1 in 100 year plus 46% climate change of 600mm freeboard at least
 - Resistance and/or resilience measures
 - Safe access and escape routes No emergency plans or details of our flood warning area have been considered within the FRA.

The applicant has failed to submit a FRA which addresses the concerns raised by the EA, and therefore the propose development fails to comply with Section 14 of the Framework and Policy ENV1 and ENV9 of the Local Plan.

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United Utilities and the Lead Local Flood Authority have raised no objection to the development at this stage, but note that the proposal is for outline consent only, with detailed drainage matters to be addressed under any future Reserved Matters application.

Land Contamination

The Council's land contamination consultant, the Environment Agency and the Coal Authority have been consulted on the application. None of the aforementioned have any objection to the proposals, subject to the inclusion of conditions requiring extensive investigation and potentially remediation of the site prior to commencement of development.

Balancing Exercise

In line with paragraph 11 and paragraph 215 of the Framework, it is necessary to carry out a balancing exercise to ascertain whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the scheme when considered against the Development Plan and the policies contained within the Framework.

Such a balancing exercise is carried out in this case in the context of the Council not currently being able to demonstrate the required level of housing delivery. As such, the presumption in favour of sustainable development is in place and the amount of weight to be afforded to Local Plan policies is a matter for the decision maker.

Benefits of the Development

The development would provide 40 new dwellings, in a sustainable location, towards the borough's housing need – representing a significant benefit. The Council cannot demonstrate the required level of housing delivery currently, and 40 new houses would assist in a significant way in meeting the required housing delivery. Accordingly, **significant** weight is afforded to the proposed delivery of new dwellings in this case.

Whilst the development would fail to meet the required affordable housing contribution, the 6 affordable dwellings shown on the illustrative layout would make a limited contribution to the required need for such housing. Accordingly, notwithstanding the failure to provide the required contribution, **limited** weight is afforded to the proposed delivery of 6 affordable dwellings.

In addition, there would be potential temporary economic benefits brought about during the construction process in relation to job creation, materials sourcing and increased trade to some local businesses. These benefits would be limited and temporary in nature, and accordingly only **limited weight** can be afforded to them.

Harm Caused by the Development

The development would result in the loss of designated a recreation area, with no replacement provision of similar quantity and quality proposed, and the most up to date assessment undertaken by the Council demonstrates that the land should be protected from development. **Substantial** weight is afforded to the loss of the recreation area and the failure to provide replacement provision of a similar quantity and quality.

The proposed development would fail to make any of the necessary planning contributions which are required by Policies SD3, HS3, HS6, HS7 of the Local Plan. Given the importance of adequate infrastructure provision to ensuring sustainable development, **substantial** weight is afforded to the

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harm which would be caused by the development taking place without all of the necessary contributions being made.

It has not been demonstrated that it would be possible to deliver up to 40 dwellings on the site without having an adverse impact on the visual amenity of the area, and the living conditions of existing and future residents. Considering the application is in outline only, with matters relating to appearance, layout and scale reserved for later determination, it is considered that only **moderate** harm can be afforded to the harm identified on grounds of visual amenity and neighbour/residential amenity respectively.

The development would have a severe impact on highway safety, capacity and amenity within the immediate vicinity of the site, and it is unclear how the local highway network could be improved to accommodate the number of dwellings proposed. **Substantial** weight is afforded

The development would result in less than substantial harm to the setting of Grade II listed building nearby, and when considering the impact of a proposed development on the significance of a designated heritage asset, the Framework requires great weight to be given to the asset's conservation (and the more important the asset, the greater the weight should be). Officers consider that the identified less than substantial (low level) harm to the setting of the Listed Building must still attract **significant** weight ('great weight') in the planning balance, despite the public benefits outlined above.

It has not been demonstrated that the site is a suitable location for the proposed development having regard to the risk of flooding, and **substantial** weight is afforded to such harm.

It has not been demonstrated that the development would avoid unacceptable harm to biodiversity and protected species, and **substantial** weight is afforded to such harm.

It has not been demonstrated how the development would suitably compensate for the net loss of green infrastructure on-site, and **substantial** weight is afforded to such harm.

It has not been demonstrated how the development would minimise the risk of harm to existing trees on or near to the site or provide the required level of compensatory tree planting, however, it is considered that the potential harm to existing trees could be mitigated at Reserved Matters stage through the submission of an AIA showing adequate protection for existing trees or compensation for any trees lost. In this context only **moderate** weight is afforded to the harm resulting from the absence of an AIA.

Conclusion

Given the under-delivery of housing within the Borough currently, the policies most important for determining this application may be considered to be out of date and as such, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies within the Framework taken as a whole.

In this case, having regard to the detailed assessment above it is considered that the adverse impacts of granting planning permission in this case would *significantly and demonstrably* outweigh the benefits of the development.

As such, officers recommended that planning permission should be refused.

9. REASONS FOR REFUSAL

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- 1. The proposed development would result in the loss of land, last used for a recreation and sporting use, and is designated in the Local Plan as a recreation area. The most up to date assessment undertaken by the Council demonstrates that the land should be protected from development as there is a potential need for playing field land to accommodate more pitches to meet identified shortfalls, and the proposed loss of the playing field would not be replaced by equivalent or better provision in terms of quantity and quality in a suitable location as part of the development. Therefore, the proposed development has failed to demonstrate compliance with Section 8 of the Framework and Policy LT1 of the Local Plan.
- 2. It has not been demonstrated that it would be possible to deliver up to 40 dwellings on the site without resulting in a cramped and visually unattractive form of development which would subsequently have an adverse impact on the visual amenity of the area. As such the development would fail to comply with Section 12 of the Framework and Policy ENV1 of the Local Plan.
- 3. It has not been demonstrated that it would be possible to deliver up to 40 dwellings on the site without resulting in less than substantial harm to the Grade II listed Waterbarn Chapel. The development would fail to preserve the special interest of the listed building and therefore the development fails to comply with Section 16 of the Framework and Policy ENV2 of the Local Plan.
- 4. It has not been demonstrated that it would be possible to deliver up to 40 dwellings on the site without harming the living conditions of existing neighbouring occupiers or future occupants of the proposed development. The development therefore conflicts with Section 12 of the National Planning Policy Framework and Policy ENV1 of the Rossendale Local Plan and the guidance contained within the Council's Alterations and Extensions to Residential Properties SPD.
- 5. It has not been demonstrated how the local highway network, specifically the narrow section of Brandwood and the junction shared with Newchurch Road, could safely accommodate the increase in vehicular traffic and pedestrian activity the proposed development would generate, and the substandard access arrangements and additional vehicle movements on Brandwood Road would have an unacceptable impact on highway safety. As such the development would have a severe impact on highway safety, capacity and amenity within the immediate vicinity of the site, and the scheme is therefore contrary to Section 9 of the National Planning Policy Framework.
- 6. The development would fail to make the necessary planning contributions to mitigate the impact of the development, in relation to affordable housing, indoor and built sports facilities, public open space, playing pitch provision, and any other reasonable and necessary contributions required in regards to highway-related matters and education. As such, the development conflicts with Policy SD3 of the Local Plan and Section 4 of the National Planning Policy Framework.
- 7. The submitted Flood Risk Assessment has failed to adequately assess the flood risks posed by the development, and therefore it has not been demonstrated that the site is a suitable location for the proposed development having regard to the risk of flooding. The development would therefore fail to comply with Section 14 of the Framework and Policies ENV1 and ENV9 of the Local Plan.
- 8. In the absence of an updated Preliminary Ecological Appraisal, it has not been demonstrated that the development would avoid unacceptable harm to biodiversity and

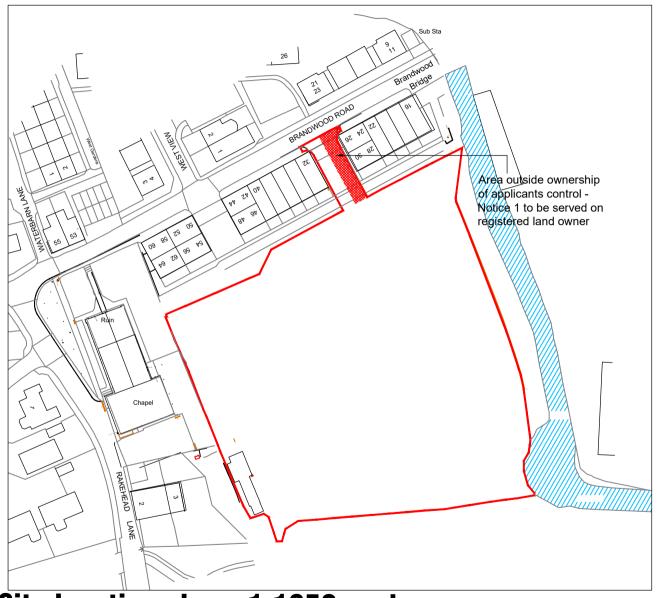
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protected species. As such the development fails to accord with Section 15 of the Framework and Policies ENV1 and ENV4 of the Local Plan.

- 9. In the absence of an Arboricultural Impact Assessment, it has not been demonstrated how the development would minimise the risk of harm to existing trees on or near to the site or provide the required level of compensatory tree planting. As such the proposal would fail to comply with Section 15 of the Framework and Policies ENV1 and ENV10 of the Local Plan.
- 10. It has not been demonstrated how the development would suitably compensate for the net loss of green infrastructure on-site in accordance with the requirements of Policy ENV5 of the Local Plan.

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Former Stacksteads Cricket Club, Bacup OL13 ONU



Site location plan - 1:1250 scale

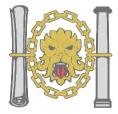
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Title

Proposed housing scheme Site location plan

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